IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4775 OF 2006

Dr.(Miss) Vandana Shrikrishnan Dhamankar ..Petitioner

Vs.

Vasantdada Sugar Institute ..Respondents

Mr.Sanjay Kshirsagar for the petitioner

CORAM : A.P. DESHPANDE, J

DATED : 21ST DECEMBER, 2006

P.C.:

1. The petitioner is working as a Senior Scientist with the respondent and after completion of about 19 years of service, the petitioner has been terminated after issuing 3 months notice. Aggrieved by the notice of termination, Civil Suit is filed by the petitioner but as the trial court declined to grant temporary injunction prayed for, the termination came to be effected. Thereafter aggrieved by the order passed by the trial court rejecting temporary injunction, Misc. Civil Appeal is carried before the Dist. Judge and the Dist Judge being of the view that the petitioner has

already been terminated, has rejected the appeal by observing that reinstatement cannot be granted by an interim order. It is also observed that there is no prayer for reinstatement.

2. Perused the order. No interference is called for as reinstatement cannot be granted by an interim order which has taken effect more than a year before. At this stage, the learned counsel for the petitioner submits that the petitioner proposes to make an application seeking amendment of the plaint with a view to make a prayer for reinstatement. If such an application is moved, the trial court shall consider the same.

3. The learned counsel then expresses an apprehension that the trial court will decide the suit influenced by the observations made by the District Judge while dismissing the Misc. Civil Appeal. The apprehension of the petitioner is unfounded inasmuch as the observations made in the said order are primafacie in nature.

4. Having regard to the facts of the present

case, I hope and trust that the trial court will proceed to decide the suit as expeditiously as possible and I expect a decision in the suit within a period of 6 months from today. Writ Petition is summarily dismissed.

(SHRI A.P.DESHPANDE, J)